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U.S. Citizenship
and Immigration
Services

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JUL 01 2004

FILE:

Office: TEXAS SERVICE CENTER Date:

IN RE:

Petitioner:

Beneficiary:

PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Cindy M. Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director of the Texas Service Center and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks classification as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), in order to serve Daystar International Fellowship, his proposed employer, as the head of the "Healing and Deliverance" and the "Intercession and Warfare Prayer" ministries. The director determined that the petitioner had not established that he had been engaged continuously in a qualifying religious vocation or occupation for two full years immediately preceding the filing date of the petition. The director further determined that the petitioner had not established that his proposed employer has had the ability to pay him the proffered wage since the filing date of the petition.

On April 8, 2002, the petitioner's proposed employer filed an appeal from the decision of the director.

Pursuant to 8 C.F.R. § 103.3(a)(1)(iii)(B):

Meaning of affected party. For purposes of this section and sections 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

Pursuant to 8 C.F.R. § 103.3(a)(2)(v):

Improperly filed appeal--(A) Appeal filed by person or entity not entitled to file it--(1) Rejection without refund of filing fee. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

In this case, the Form I-360, Petition for Amerasian, Widow or Special Immigrant, was signed by Gaius Emode. Therefore [REDACTED] must be recognized as the petitioner. The appeal was not filed by the petitioner, nor by any entity with legal standing in the proceeding, but rather, by the petitioner's proposed employer. Therefore, the appeal has not been properly filed and must be rejected.

It is noted that the record indicates that the petitioner was incarcerated at Oakdale, Louisiana, in February 2002, and deported on June 3, 2002, under a warrant issued on December 14, 1992, at Oakdale, Louisiana, with a 20-year bar to re-entry into the United States.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 101(a)(27)(C) of the Act. The applicant has failed to meet this burden.

ORDER: The appeal is rejected.